THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.134 of 2006

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Dated:04.01.2006

Between:

Kunwar Singh, s/o late Heera Singh,
r/o H.No.14-10-216, Lower Dhoolpet, Jumerat Bazar, Hyderabad.

..... PETITIONER

AND

Assistant City Planner, Circle No.II, Municipal Corporation of

Hyderabad, Sardarmahal, Charminar,
Hyderabad, and another.

.....RESPONDENTS

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WRIT PETITION No.134 of 2006

ORDER:

The petitioner is the owner and possessor of premises bearing No.14-10-216 situated at Lower Dhoolpet, Jumerat Bazar, Hyderabad, by reason of a gift deed dated 30.05.1984 allegedly executed in his favour. He alleges that on 05.11.2005, the officials of the first respondent handed over sketch plan showing an extent of 76.4 square yards of petitioner's land likely to be affected in the road widening. The petitioner was not given any notice and he is not willing to give consent to cooperate

with the officials to hand over advance possession. However, it appears, on 29.12.2005 the first respondent allegedly compelled the petitioner to give consent. Apprehending coercive action by the respondents, the present writ petition is filed.

This Court has repeatedly held in **P.Lakshmana Rao v. Executive Engineer** and **M.Madhavi Latha v. Rajendranagar Municipality** that whenever any property is required for widening the road or laying down the road or for any public purpose, the authorities can either negotiate with the owners of the land or if the owners are not willing to give consent, the authorities have to take necessary action in accordance with the Land Acquisition Act, 1894 or the A.P. Municipalities Act, 1965 or the Hyderabad Municipal Corporations Act, 1955 ('the HMC Act' for brevity). In this case, admittedly, no such notification was issued.

Therefore, the writ petition is disposed of observing that unless and until, the respondents take action in accordance with law either under Section 146 or under Section 147 of the HMC Act, the petitioner cannot be deprived of his right to enjoy the property nor the Municipal Corporation of Hyderabad can demolish the structures highhandedly.

The Writ Petition, with the above observation, is disposed of. No costs.

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(V.V.S.RAO, J)

04.01.2006

vs